

REMARKS

Claims 4, 11, and 12 have been canceled without prejudice. Claim 1 has been amended. Claims 5, 6, and 13 stand withdrawn. Favorable consideration and allowance are respectfully requested for claims 1-3, 7-10, 14-15, and 33.

The rejection of claims 1-3, 7-10, 14-15, and 33 under 35 U.S.C. § 112, first paragraph is respectfully traversed. The Office Action indicates that the present application is enabled for a method of identifying substances that bind to full-length Vglut1 and then testing those substances in an animal model of pain. Claims 1-3, 7-10, 14-15, and 33 allegedly lack enablement for a method for detecting candidate substance comprising incubating a test substance which is at least 90% homologous to a protein comprising SEQ ID NO: 4, or a part protein at least 10 amino acids long, and/or incubating a substance and then measuring a functional parameter modified by the binding of the substance to the protein.

In order to further prosecution, claim 1 has been amended to remove the allegedly non-enabled subject matter. As such, this rejection under 35 U.S.C. § 112, first paragraph has been obviated.

The rejection of claims 1-3, 7-10, 14-15, and 33 under 35 U.S.C. § 112, first paragraph, as allegedly lacking adequate written description, is respectfully traversed.

In order to further prosecution, claim 1 has been amended to remove the subject matter is allegedly not fully described in the specification. As such, this rejection under 35 U.S.C. § 112, first paragraph has been obviated.

The rejection of claims 1-3, 7-10, 14-15, and 33 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

The objected to phrase, "functional parameter", has been removed from the claims and this rejection is therefore rendered moot. Withdrawal of this rejection is respectfully requested.

Serial No. 10/734,731

Notice of Non-Compliant Amendment Dated: March 28, 2008

Reply to Office Action: April 4, 2008

Attorney Docket No. 029310.52995US

The rejection of claim 4 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

Claim 4 has been canceled, this rejection is therefore rendered moot. Withdrawal of this rejection is respectfully requested.

The rejection of claims 1-3, 7-10, 14-15, and 33 under 35 U.S.C. § 102 as anticipated by Jensen et al. (1992) is respectfully traversed.

Step (b) of claim 1, as amended, recites measuring the binding of the test substance. Jensen describes administering glutamate and testing for a pain response. Jensen does not teach or suggest measuring the binding of a test substance to a biomolecule in accordance with the instant invention.

Further, Jensen does not make clear that the glutamate was administered to one of the proteins, cells or cell preparations recited in step (a) of claim 1 and then that step (b) was performed. Jensen states that administration of glutamate to a variety of brainstem sites elicits no pain response (see the left-hand column on page 542). The Office Action offers Li as teaching that Vglut1 is present in the medulla. In the experiments where the glutamate receptor was blocked, glutamate was only administered to certain positions in the brain, not the breadth of the brain sites described in Figures 1 and 2 of Jensen.

Accordingly, Jensen does not teach each and every limitation of the presently claimed invention and reconsideration and withdrawal of this rejection are respectfully requested.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 029310.52995US).

Respectfully submitted,

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